

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10

11 CHERY FINNEY,

12 Plaintiff,

13 vs.

14 NAVAL CRIMINAL INVESTIGATION
SERVICE

15 Defendant.
16

CASE NO. 07cv1669-L (CAB)

**ORDER DENYING PLAINTIFF'S
MOTION TO PROCEED *IN FORMA*
*PAUPERIS***

17 Plaintiff Chery Finney filed a complaint pursuant to the Federal Tort Claims Act.
18 Concurrently she filed a Motion and Declaration Under Penalty of Perjury in Support of
19 Motion to Proceed *in Forma Pauperis* ("IFP Motion"). For the reasons which follow,
20 Plaintiff's IFP Motion is **DENIED**.

21 All parties instituting any civil action, suit or proceeding in a United States District
22 Court must pay a filing fee. *See* 28 U.S.C. § 1914(a). An action may proceed despite a
23 plaintiff's failure to prepay the entire fee only if the plaintiff is granted leave to proceed *in*
24 *forma pauperis* pursuant to 28 U.S.C. § 1915(a). *See Rodriguez v. Cook*, 169 F.3d 1176,
25 1177 (9th Cir. 1999). Plaintiff's declaration is missing page 2 and is therefore incomplete.

26 Plaintiff's IFP Motion is therefore **DENIED**, and the complaint is **DISMISSED**
27 without prejudice. Pursuant to this order, Plaintiff is granted 60 days' leave to pay the
28 filing fee required to maintain this action pursuant to 28 U.S.C. § 1914, or to submit the

1 required information regarding her financial status. **IF PLAINTIFF CHOOSES TO**
2 **FILE ADDITIONAL INFORMATION REGARDING HIS POVERTY, SHE MUST**
3 **ATTACH A COPY OF THIS ORDER.**

4 **IT IS SO ORDERED.**

5
6 DATED: August 24, 2007

7
8 
M. James Lorenz
United States District Court Judge

9 COPY TO:

10 HON. CATHY ANN BENCIVENGO
11 UNITED STATES MAGISTRATE JUDGE

12 ALL PARTIES/COUNSEL
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28